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OCT 07 2004**FAX TRANSMISSION TO USPTO**TO: Commissioner for Patents  
Attn: Examiner Ali Reza Salimi  
Patent Examining Corps  
Facsimile Center  
Alexandria, VA 22313-1450FROM: Karen S. Canady  
OUR REF.: G&C 30967.11-US-U1  
TELEPHONE: (310) 642-4148

Total pages, including cover letter: 5

PTO FAX NUMBER: (703) 872-9306

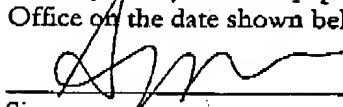
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Title of Document Transmitted:	RESPONSE TO COMMUNICATION RE RESTRICTION REQUIREMENT.
Applicant:	David M. Koelle et al.
Serial No.:	10/623,429
Filed:	July 18, 2003
Group Art Unit:	1648
Title:	RAPID, EFFICIENT PURIFICATION OF HSV-SPECIFIC T-LYMPHOCYTES AND HSV ANTIGENS IDENTIFIED VIA SAME
Our Ref. No.:	G&C 30967.11-US-U1

Please charge all fees to Deposit Account No. 50-0494 of Gates &amp; Cooper LLP.

By: Name: Karen S. Canady  
Reg. No.: 39,927

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G&amp;C 30967.11-US-U1

Confirmation No.: 3532  
Due Date: November 1, 2004IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	David M. Koelle et al.	Examiner:	Ali Reza Salimi
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Signature: Typed Name of Person Mailing this Certificate: Suzie McCleaveMAIL STOP AMENDMENT  
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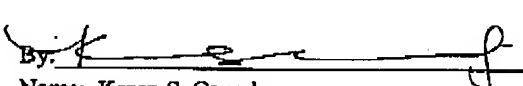
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**CUSTOMER NUMBER 22462****GATES & COOPER LLP**  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797By:   
Name: Karen S. Canady  
Reg. No.: 39,927  
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Typed Name of Person Mailing this Certificate: Suzie McCleave

## MAIL STOP AMENDMENT

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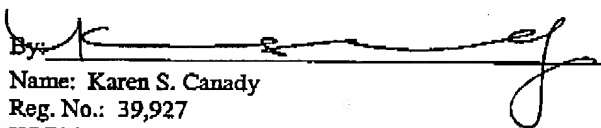
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Signature: Typed Name of Person Mailing this Certificate: Suzie McCleaveRESPONSE TO COMMUNICATION RE RESTRICTION REQUIREMENT

## MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This communication is submitted in response to the Communication dated October 1, 2004. The Communication stated that Applicants' reply filed on September 23, 2004 was not fully responsive to the prior written Restriction Requirement because the election did not include election of a specific sequence having a specific identification number as it was previously requested (referring to page 2 of the previous Office Action).

Applicants respectfully note that page 2 of the previous Office Action requests (at page 4) election of a single sequence "identified by a specific sequence identification number or a polypeptide, as indicated above". Applicants misunderstood this statement to mean that identification of a polypeptide by name would suffice. Accordingly, Applicants elected U<sub>1</sub>26 as the polypeptide (and Group II) for initial examination. As indicated in the claims and elsewhere in the application, U<sub>1</sub>26 corresponds to the amino acid sequence provided in SEQ ID NO: 9 of the Sequence Listing.

To avoid further misunderstanding, Applicants re-state the election in response to the Restriction Requirement dated August 26, 2004, as follows:

Applicants elect Group II, namely claims 7-12, 33 and 35, drawn to pharmaceutical compositions comprising an HSV U<sub>L</sub> 26 polypeptide (SEQ ID NO: 9) and methods of use, with traverse.

Applicants respectfully request the Examiner reconsider and withdraw the restriction requirement in view of the arguments raised in the Response dated September 23, 2004. At the very least, Applicants request the Examiner consider rejoinder of appropriate claim groups upon identification of allowable subject matter and recognition that significant additional search and examination efforts would not be required.

It is also submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

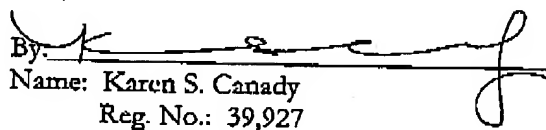
Respectfully submitted,

GATES & COOPER LLP  
Attorneys for Applicant(s)

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6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
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Date: October 7, 2004

KSC/

By:   
Name: Karen S. Canady  
Reg. No.: 39,927

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